

Assembly Bill No. 2678

CHAPTER 1051

An act to amend Section 12654 of the Government Code, relating to state actions.

[Approved by Governor September 28, 1996. Filed
with Secretary of State September 30, 1996.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2678, Figueroa. False claims actions: privileged publication or broadcast.

Existing law authorizes the Attorney General to bring a civil action for false claims made against a state or political subdivision if any portion of the money, property, or services issued from or was provided by the state, subject to specified requirements.

Existing law specifies, with certain exceptions, that a publication or broadcast made in a legislative or judicial proceeding, any other official proceeding authorized by law, or in the initiation or course of any other proceeding authorized by law and reviewable under the provisions of law relating to writs of mandate, is privileged for purposes of certain types of proceedings.

This bill would provide that the provision of law relating to a privileged publication or broadcast is not applicable to a claim subject to this civil action.

The people of the State of California do enact as follows:

SECTION 1. Section 12654 of the Government Code is amended to read:

12654. (a) A civil action under Section 12652 may not be filed more than three years after the date of discovery by the official of the state or political subdivision charged with responsibility to act in the circumstances or, in any event, no more than 10 years after the date on which the violation of Section 12651 is committed.

(b) A civil action under Section 12652 may be brought for activity prior to January 1, 1988, if the limitations period set in subdivision (a) has not lapsed.

(c) In any action brought under Section 12652, the state, the political subdivision, or the qui tam plaintiff shall be required to prove all essential elements of the cause of action, including damages, by a preponderance of the evidence.

(d) Notwithstanding any other provision of law, a guilty verdict rendered in a criminal proceeding charging false statements or fraud, whether upon a verdict after trial or upon a plea of guilty or nolo

contendere, except for a plea of nolo contendere made prior to January 1, 1988, shall estop the defendant from denying the essential elements of the offense in any action which involves the same transaction as in the criminal proceeding and which is brought under subdivision (a), (b), or (c) of Section 12652.

(e) Subdivision (b) of Section 47 of the Civil Code shall not be applicable to any claim subject to this article.

